

## REMARKS

The Examiner's continued attention to the application is appreciated. Reconsideration is respectfully requested. Claims 1-17 and 24-29 are now pending in the application.

### **Election/Restrictions**

In response to the restriction requirement, Applicant affirms the provisional election made without traverse to prosecute the invention of group I, claims 1-17. Applicant cancels Claims 18-23, which were drawn to non-elected group II, without prejudice to the filing of a divisional application directed to the subject matter thereof.

### **Specification**

In response to the objection to the disclosure, Applicant amends the original disclosure to include the updated information: –U.S. Patent No. 6,877,563–.

### **Amendments to the Claims**

Applicant has amended Claim 1 to include “wherein the formation comprises an acid soluble component selected from the group consisting of calcium carbonate and calcium magnesium carbonate” and the step of “determining the appropriate amount of residence time for the formate ester in the fluid to react with the acid soluble component within the subterranean formation.” Support for this amendment to Claim 1 is found throughout the specification, including in paragraphs 18 and 32-35 of the specification and originally-filed claim 16. Claims 15-16 have been canceled. Support for new dependent Claims 24-27 is also found at least in paragraphs 18 and 32-35 of the specification. Support for new dependent Claims 28 and 29 is found at least in paragraph 14 of the specification. No new matter has been added to the application.

### **Response to Claim Rejections**

Claims 1-13 and 15-17 under 35 U.S.C. 102(b) were rejected as being anticipated by Jennings, Jr. (U.S. Patent No. 4,807,703). In response, the cited reference does not teach or suggest the subject matter of amended independent Claim 1 or any of the dependent claims

therefrom. For example, Jennings, Jr. merely discloses the use of certain "water soluble organic solvents" for use in helping to dissolve ethoxylated amine. See Jennings, Jr., Column 3, lines 58-63. Jennings, Jr. does not teach or suggest that any of the laundry list of "water soluble organic solvents," let alone any formate ester, are delayed release acids, and it does not teach or suggest the step of "determining the appropriate amount of residence time for the formate ester in the fluid to react with the acid soluble component within the subterranean formation."

Claims 1-3, 5-13, 15, and 17 under 35 U.S.C. 102(b) were rejected as being anticipated by Lybarger et al. (U.S. Patent No. 3,868,998). In response, the cited reference does not teach or suggest the subject matter of amended independent Claim 1 or any of any of the dependent claims therefrom. For example, Lybarger does not teach or suggest the treatment of a subterranean formation comprising "an acid soluble component selected from the group consisting of calcium carbonate and calcium magnesium carbonate" and it does not teach or suggest the step of "determining the appropriate amount of residence time for the formate ester in the fluid to react with the acid soluble component (i.e., calcium carbonate or calcium magnesium carbonate) within the subterranean formation."

In response to the rejection of originally-filed Claim 14, dependent on originally-filed Claim 1, under 35 U.S.C. 103(a) as being unpatentable over Jennings, Jr. or Lybarger et al. in view of Casad et al. (U.S. Patent No. 4,986,355). In response, neither Jennings nor Lybarger teach or suggest the invention defined by amended Claim 1, as discussed above, and Casad does not teach or suggest the use of a fluid loss additive in combination with the invention defined by amended Claim 1. For this additional reason, Claim 14 is independently patentable over amended Claim 1.

#### **New Claims Independently Patentable**

New dependent Claims 24-27 are each independently patentable over amended Claim 1. In particular, none of the references of record teach or suggest the combination of "determining the appropriate amount of residence time for the formate ester in the fluid to react with the acid soluble component (i.e., calcium carbonate or calcium magnesium carbonate) within the subterranean formation" according to the more specific methods defined by new dependent Claims 24-27.

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Further, new dependent Claims 28-29 are each independently patentable over amended Claim 1. Regarding Claim 28, none of the references of record teach or suggest the method using the specified higher concentration range of the formate ester relative to the water. Regarding Claim 29, none of the references of record teach or suggest using that higher concentration range in a formation having the specified temperature range.

### Conclusion

It is believed that Claims 1-14, 17, and 24-29 are in condition for allowance, and such action is respectfully requested.

The Commissioner of Patents is hereby authorized to charge any fees or overpayments to Deposit Account No. 08-0300. A duplicate copy of this fee authorization sheet is enclosed for this purpose.

If a telephone interview would expedite the prosecution of this application, the undersigned can normally be reached at the telephone number given below.

Dated: October 24, 2005

### CERTIFICATE OF SERVICE

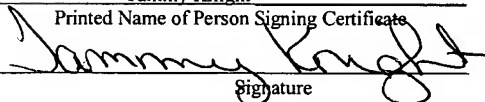
I hereby certify that this correspondence is being mailed in an envelope with first class postage and addressed to the COMMISSIONER OF PATENTS, P. O. BOX 1450, ALEXANDRIA, VA 22313-1450 on:

October 24, 2005

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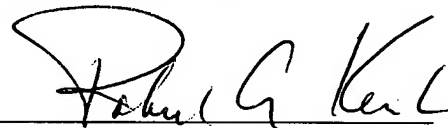


Signature

October 24, 2005

Date of Signature

Respectfully submitted,



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